

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:23-cv-00010-CSD

**Order**

Re: ECF Nos. 26, 27

KENTRELL D. WELCH,

Plaintiff

v.

WILLIAM GITTERE, et al.,

Defendants

On September 20, 2023, Defendants filed an early motion for summary judgment arguing that Plaintiff failed to exhaust available administrative remedies before filing this lawsuit. (ECF No. 23.) On September 25, 2023, Plaintiff filed a response. (ECF No. 25.) That same day, Plaintiff also filed a document titled as: “Challenge to NDOC AR 740 procedure pursuant to PLRA 42 U.S.C. § 1997e(a) de facto unavailable grievance process” (ECF No. 26) as well as an exhibit, consisting of Nevada Department of Correction’s (NDOC) Administrative Regulation (AR) 740 with an effective date of April 28, 2022. (ECF No. 27.) Defendants filed a reply in support of their motion for summary judgment. (ECF No. 28.) Defendants also filed a response to Plaintiff’s filing at ECF No. 26, requesting that the filing be stricken. (ECF No. 29.) Plaintiff filed a reply in support of that filing. (ECF No. 30.)

The Local Rules for the District of Nevada provide for the filing of a motion, a response, and reply. LR 7-2. Supplementation of a motion, response, or reply brief is prohibited without leave of court. The rule specifically provides that the court may strike supplemental filings made without leave of court. LR 7-2(g).

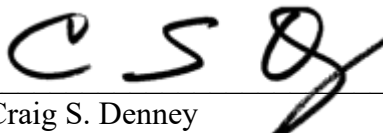
1 Plaintiff filed his response to Defendants' motion, but then also filed the challenge to AR  
2 740 in ECF No. 26. This filing specifically relates to Defendants' argument that Plaintiff failed  
3 to exhaust his administrative remedies before filing this action. Therefore, the court construes it  
4 as a supplemental brief to his response to Defendants' motion. Plaintiff did not seek leave of  
5 court in connection with this filing. Therefore, the court will strike ECF No. 26 as improper  
6 under Local Rule 7-2(g). Plaintiff's filing of ECF No. 27 is likewise improper, as he should have  
7 included any relevant exhibits with his response to Defendants' motion. Therefore, this is a  
8 supplemental exhibit, and it will also be stricken. Notably, the version of AR 740 filed by  
9 Plaintiff at ECF No. 27 was also provided as an exhibit to Defendants' motion, so it was  
10 unnecessary to file another copy of it with the court.

11 **CONCLUSION**

12 Plaintiff's filings at ECF Nos. 26 and 27 are hereby **STRICKEN**.

13 **IT IS SO ORDERED.**

14 Dated: April 17, 2024

15   
16 Craig S. Denney  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23